

REMARKS

Claims 1-14 are pending, however claims 3, 4 and 12-14 are withdrawn. Claims 1, 2 and 5-11 have been examined and stand rejected. Rejections of claims as anticipated by and obvious over Zaia et al. and Zaia et al. in view of Krieg, have been withdrawn.

Claims 1, 2, 5, 6 and 9-11 are rejected under 35 U.S.C. § 102(b) as anticipated by BenMohamed et al. In a telephone interview, the examiner indicated, that although Reference No. "Q" in the March 8, 2004 Information Disclosure Statement (IDS) was recited in the Office Action, the intended reference was BenMohamed et al., *Immunology* 106:113-121, 2002 (hereinafter "BenMohamed"). This reference assertedly was published in the May 2002 issue of the Journal, *Immunology*. This date is less than one year prior to the effective filing date of the present application. The effective filing date of the present application is June 25, 2002, the date the provisional application was filed. This provisional application fully supported the claims presented here, as filed. Therefore, the BenMohamed reference does not qualify as prior art under 35 U.S.C. § 102(b), and may be antedated by Declaration under 37 C.F.R. § 1.132.

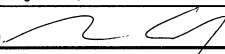
Applicant is enclosing herein a Declaration executed by Dr. Don J. Diamond, (hereinafter the "Diamond Declaration"), which shows that the disclosures of the BenMohamed reference which are relevant to the presently claimed subject matter are a description of the Applicant's own work. Applicant would like to point out that the BenMohamed reference was co-authored by Dr. Don J. Diamond, the declarant and the inventor of the present invention.

Applicant therefore submits that the BenMohamed reference does not qualify as prior art under 35 U.S.C. § 102, and that this rejection is overcome. Applicant therefore requests its withdrawal.

Claims 1, 2, and 5-11 are rejected under 35 U.S.C. § 103(a) as being obvious over BenMohamed et al. (discussed above) in view of Krieg et al. (WO 01/022972;

hereinafter "Krieg"). As discussed above, the BenMohamed reference has been removed as prior art by the Diamond Declaration under 37 C.F.R. § 1.132. Since the reference has been removed as prior art, this rejection has been overcome. Applicant requests withdrawal of the rejection of 1, 2, and 5-11 as obvious.

In summary, Applicant requests withdrawal of all rejections based completely or in part on the BenMohamed reference since Applicant has removed this reference as prior art. Applicant requests reconsideration of the application and allowance of all claims at this time.

Respectfully Submitted,					
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Enclosure

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